

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
RACHEL J. KUNZ,	:	
RESPONDENT.	:	LS08110312BAC

Division of Enforcement Case No. 04 BAC 097

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Rachel J. Kunz
1855 Parknoll Lane
Port Washington, WI 53074

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent **Rachel J. Kunz** is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-31574. This license was first granted to her on 05/01/07 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Kunz is 1855 Parknoll Lane, Port Washington, WI 53074
2. A complaint was received by the Department alleging that several individuals with barbering and cosmetology practitioner licenses were renting chairs at East Town Spa Inc. without having separate manager licenses and separate establishment licenses.
3. East Town Spa Inc. is a licensed barbering and cosmetology establishment located at 718 E. Wells Street, Milwaukee, WI 53202.
4. Pursuant to Wis. Admin. Code § BC 3.02(2), the owner of a barbering and cosmetology establishment may lease a chair to a licensed individual as long as there is a written lease agreement and the lessee holds a manager’s license and an establishment license. This rule has been in effect since October 1, 2003, with a 1-year grace period for getting into compliance for any person renting a chair prior to the October 1, 2003 effective date.

5. Wis. Admin. Code § BC 3.02(2) requires, in part, that “the lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board.”

6. On September 20, 2006, two investigators from the Department of Regulation and Licensing performed an unannounced inspection at East Town Spa Inc. Ms. Kunz was not present at the time of the inspection.

7. Follow-up investigation revealed that Ms. Kunz began renting a chair from the owner of East Town Spa Inc. in July 2005, and continues to rent a chair from the owner of East Town Spa Inc. at the present time.

8. At the time of the inspection, Ms. Kunz held a practitioner’s license, but not the required manager’s license for a chair rental, and did not hold a separate establishment license for her chair rental.

9. Department records reveal that Ms. Kunz obtained her manager’s license on 05/01/07, and obtained an establishment license for her chair rental on 08/12/2008.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent **Rachel J. Kunz** has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by renting a chair from the owner of East Town Spa Inc. without having the required separate manager’s licensed for her chair rental or the required separate establishment license for a period of time. As a result, Ms. Kunz is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Rachel J. Kunz** (license # 81-31574) be, and hereby is, REPRIMANDED.
2. **Rachel J. Kunz** shall pay **COSTS** in the amount of **TWO HUNDRED DOLLARS (\$ 200.00)**.
3. **Rachel J. Kunz** shall pay a **FORFEITURE** in the amount of **THREE HUNDRED DOLLARS (\$ 300.00)**.
4. Payment of the costs and forfeiture, which total FIVE HUNDRED DOLLARS (\$ 500.00), shall be made according to the following schedule:

A payment of \$250.00 shall be made within 90 days of the date of this Order; and
A second payment of \$250.00 shall be made within 180 days of the date of this Order.

5. Payment of the costs and forfeiture shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and

welfare and may result in a summary suspension of Ms. Rasmussen's license. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Ms. Kunz fails to timely submit any payment as ordered, then her license (# 81-31574) SHALL BE SUSPENDED without further notice or hearing until she has complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush